

Decision Notice and Finding of No Significant Impact For the Clear Lake Aspen Project

USDA Forest Service
Huron-Manistee National Forests
Huron Shores Ranger Station
Alcona County, Michigan

DECISION AND REASONS FOR THE DECISION

This Decision Notice (DN) documents my decision and Finding of No Significant Impact (FONSI) to implement the proposed activities described in the Clear Lake Aspen Project Environmental Assessment (EA). The Huron-Manistee National Forests' Land and Resource Management Plan (Forests' Plan, March 2006) provides the basis for the Clear Lake Aspen Project. The project is designed to move the project area from the existing condition to the desired future condition set forth in the Forests' Plan.

The Clear Lake Aspen Project Area is located on the Harrisville Ranger District of the Huron-Manistee National Forests. The Clear Lake Aspen Project Area is located approximately 23 miles west of the city of Harrisville and just south of M72 and east of M65 in Township 26N, Range 6E, Sections 16, 17, 20, 29, 30, 32, 33, 34; and Township 25N, Range 6E, Sections 1, 2, 3, 10, 11, of Millen Township, Alcona County, Michigan. Management activities are proposed for implementation between the years 2011 and 2014.

I have reviewed the analysis presented in the Clear Lake Aspen Project EA and the supporting documentation. I am satisfied that the Interdisciplinary Team (IDT) conducted a thorough analysis of the proposed action. The IDT applied standards and guidelines from the Forests' Plan, and carefully considered and applied project design features for the project. I am satisfied the IDT effectively involved the public and carefully considered and responded to their comments. This document describes the reason for my decisions and my findings for not preparing an Environmental Impact Statement. This finding is in accordance with the National Environmental Policy Act (NEPA).

Decision

Based on the EA and in accordance with direction provided in the Forests' Plan and the Final Environmental Impact Statement for the Forests' Plan (2006) **it is my decision to implement Alternative 3 (Modified Proposed Action)** as documented in the Clear Lake Aspen Project EA. Alternative 3, the Modified proposed action will be referred to as the Selected Alternative from this point forward. This decision is within the scope of the original intent of the EA, meets the purpose and need for the project, is consistent with the Forests' Plan, and is responsive to issues raised during scoping, data collection, and resource assessment.

The following is a description of the activities to be implemented under the Selected Alternative:

- Harvest by clearcutting approximately 620 acres of mature aspen in units up to 40 acres to maintain the aspen forest type, enhance wildlife habitat, and create age-class diversity within the project area.
- Thin approximately 18 acres of red pine to improve growth and vigor of the remaining trees.
- Construct approximately one mile of temporary roads and associated landings. These roads and landings will be closed and rehabilitated when harvest activities are completed.
- Maintain approximately 17 acres of wildlife openings.
- Place wildlife nest boxes to increase nesting and roosting opportunities throughout the project area.
- Control or eradicate non-native invasive plant species (NNIS) where necessary and appropriate within the Project area using prescribed fire, mechanical and herbicide treatments.
- Prescribe burn approximately 29 acres of aspen to reduce the dense shrub understory and promote aspen regeneration.

The following project objectives are based on the purpose and need of the project and objectives of Management Area 4.2 Roaded Natural and Sandy Plains and Hills.

- Improve timber stand condition and age class distribution
- Provide timber products
- Enhance and increase variety of wildlife habitats within Management Area
- Reduce or eliminate NNIS
- Reintroduce fire into fire-adapted ecosystems

Table 1; Selected Alternative - Vegetative Management Proposals by Compartment, Stand, and Forest Type
**(All acreages are approximate)*

Compartment	Stand	Acres	Forest Type	Proposed Treatment
693	4	19.0	Aspen	Clearcut-coppice w/reserves
693	17	19.0	Aspen	Clearcut-coppice w/reserves
693	22	12.0	Aspen	Clearcut-coppice w/reserves
693	26	11.0	Aspen	Clearcut-coppice w/reserves
693	8	17.0	Red Pine	Thinning
694	19	13.0	Aspen	Clearcut-coppice w/reserves, prescribed burn
694	21	16.0	Aspen	Clearcut-coppice w/reserves, prescribed burn
694	37	16.0	Aspen	Clearcut-coppice w/reserves
694	46	11.0	Aspen	Clearcut-coppice w/reserves
722	6	17.0	Aspen	Clearcut-coppice w/reserves
722	33	24.0	Aspen	Clearcut-coppice w/reserves
722	36	40.0	Aspen	Clearcut-coppice w/reserves
722	39	40.0	Aspen	Clearcut-coppice w/reserves
722	42	40.0	Aspen	Clearcut-coppice w/reserves
722	11	2.8	mixed	Opening maintenance
722	25	7.6	mixed	Opening maintenance
722	40	3.7	mixed	Opening maintenance
743	3	37.0	Aspen	Clearcut-coppice w/reserves
743	4	40.0	Aspen	Clearcut-coppice w/reserves
743	9	40.0	Aspen	Clearcut-coppice w/reserves
743	27	28.0	Aspen	Clearcut-coppice w/reserves
743	28	13.0	Aspen	Clearcut-coppice w/reserves
743	29	23.0	Aspen	Clearcut-coppice w/reserves
743	30	27.0	Aspen	Clearcut-coppice w/reserves
743	31	31.0	Aspen	Clearcut-coppice w/reserves
720	6	27.0	Aspen	Clearcut-coppice w/reserves
720	20	22.0	Aspen	Clearcut-coppice w/reserves
720	27	18.0	Aspen	Clearcut-coppice w/reserves
720	29	16.0	Aspen	Clearcut-coppice w/reserves
743	15	99.5	NNIS	Control action of non-native invasives
743	16	90.2	NNIS	Control action of non-native invasives
743	18	114.6	NNIS	Control action of non-native invasives

Project design criteria: Design criteria are intended to lessen or eliminate potential impacts from proposed activities. These criteria are measures that may or may not be included in Forests' Plan's Standards and Guidelines, or may impose a stricter application of a Standard or Guideline.

Wildlife Protection Measures

Regional Forester's Sensitive Species would be protected within all project areas to the greatest extent possible. New sensitive species locations discovered within a project area may result in all actions being delayed or interrupted within the area. The appropriate district wildlife/fisheries biologist or botanist would be consulted to determine effects of the action on the species. A Supplemental Information Report (SIR) to the Biological Evaluation may be prepared and would include recommendations regarding protection of the species. The SIR may include modification of the action(s).

Care should be taken while conducting wildlife opening maintenance to leave desirable native and non-native fruiting trees and shrubs such as cherry, service berry and apple. If mowing wildlife openings, implementation would occur between July 15 and April 1 to protect ground nesting bird species.

Herbicides would not be applied within 400 feet of an active RFSS woodland raptor and/or songbird nest between May 15 and July 1. At known RFSS invertebrate occurrences, use only herbicides would not kill caterpillar host plant species.

Northern Goshawk / Red-shouldered Hawk: The following design criteria for northern goshawks and red-shouldered hawks apply to all actions (see USDA Forest Service 1993):

- Management actions, such as timber harvest, thinning, or herbicide application, would not be allowed within the radius of the nest area of an active northern goshawk or red-shouldered hawk nest (Nest Protection Area) at all times.
- Minimal human presence would occur in any active Nest Protection Area during the nesting season, from March 1st to August 31st.
- Prescribed burns that would include all or portions of the Nest Protection Area are prohibited during the critical nesting season, from March 1st to August 31st. Burns outside of this period would be of low intensity to protect nesting habitat integrity.
- Management actions would not reduce crown closure below 60% within 300 feet of the Nest Protection Area.
- Timber harvest would not be allowed within approximately ½ mile of the nest (a.k.a. Post-fledging Area) from March 1st through August 31st. Activities that involve minimal human presence, such as timber marking, are permitted however within the Post-fledging Area during this period [See Nest Protection Area measures above].
- Red pine thinning and underburning would not be allowed at any time within the nest protection area for a active nest. Red pine thinning would also not be allowed at any time in the nest protection area for the alternate nest; however, the nest protection area for the alternative nest could be underburned outside of the nesting period, i.e. between September 1st and February 28th/29th. The goshawk design criteria and restrictions for the active nest would apply to any active nest site that was found prior to, during project implementation.

Non-Native Invasive Species (NNIS) Plants Measures

- Off-road equipment would be cleaned of seeds, soil, vegetative matter and other debris that could hold NNIS seeds and/or propagules. Off-road equipment would be inspected by a Forest Service representative to prevent NNIS introduction or spread in the project areas.
- Skid trails and plow lines would be placed and rehabilitated in a way that limits the spread of existing non-native invasive species from roads, trails, or powerline corridors, into stand interiors. Skid trails and plow lines would be rehabilitated (re-contoured, seeded, etc) after they are no longer needed.
- Where needed, infestations adjacent to clearcuts/planting sites would be treated with the most appropriate herbicide immediately prior to the production of NNIS seed in during the growing season preceding the cut and/or replanting activities.
- The proliferation of *Centaurea stoebe* (spotted knapweed) and *Hypericum perforatum* (St. John's wort) would be limited in infested (fuel break) areas by scheduling, whenever feasible, mowing/brushing within the period between snowmelt and July 1. This is the period after which many of the weed species winter fruiting structures have collapsed and before the advent of new seed.

Regional Forester Sensitive Species (RFSS) Plant Protection Measures

- To minimize disturbance, heavy equipment would be excluded from an area within ten feet of marked Hill's thistle (*Cirsium hillii*) and other RFSS plant locations, unless specified otherwise by district botanist. The plants would also be protected from ground-disturbing activities (temporary roads, landings, skid trails, furrowing, etc.).

NNIS Treatment Protection Measures

- Notices would be posted near all areas to be treated, and recently treated, with herbicides.
- Herbicide application would only occur when wind speeds are less than 10 mph, or according to label direction, to minimize herbicide drift.
- Herbicide label directions would be carefully followed. This could include temporary closure of treatment areas for public health and safety.
- Appropriate protective gear would be worn by herbicide applicators per label direction.
- Herbicide containers would be disposed of following label and Forest Service guidelines.
- Herbicides would be labeled and stored appropriately in accordance with label specifications, state and federal laws, and Forest Service regulations.
- Herbicides stored on-site would have Material Safety Data Sheets per Forest Service guidelines.
- All those working with herbicides would review corresponding Material Safety Data Sheets.
- Rinse water for cleaning or rinsing actions in conjunction with herbicide treatment would be disposed of according to Environmental Protection Agency regulations.
- Weather forecasts would be obtained prior to herbicide treatment, and treatment activities would be halted, if needed, to prevent runoff during heavy rain events.
- Areas to receive herbicide treatment would be evaluated to ensure protection of threatened, endangered, and sensitive (TES) species. If any TES species are located, then appropriate protective measures would be implemented.
- Only formulations approved for aquatic-use would be applied in or adjacent to wetlands, lakes, and streams, following label direction.
- Avoid herbicide use in wetlands with suitable amphibian breeding habitat, as determined by Forest wildlife staff during pre-treatment review.
- Aquatic herbicide applications require a permit from the Michigan Department of Environmental Quality (DEQ).
- All private landowners, residents, and lake associations of affected lakes would be notified of plans for aquatic herbicide application.
- Areas to receive ground disturbance would be surveyed to ensure protection of cultural resources. If any cultural resource sites are located, then appropriate protection measures would be implemented.
- Following NNIS treatments, revegetate exposed soils promptly to avoid re-colonization by NNIS. For manual treatments that disturb the soil, tamp the soil down. Use only approved seed mixtures and weed seed-free mulch.
- Retain native vegetation and limit soil disturbance as much as possible.
- Fueling or oiling of mechanical equipment would occur away from aquatic habitats.
- Equipment, boots, and clothing would be cleaned thoroughly before moving from treatment site to ensure that seeds or other propagules are not transported to other sites.
- NNIS parts capable of starting new plants (seeds, rhizomes, etc.) would be disposed of in a way that would not facilitate spread.
- All control treatments should be timed to be most effective, based on the species phenology and life history.

Cultural Resources Protection Measures

- All cultural resources sites would be protected by avoiding the site, either through sale design alteration, or through designation of a reserve area around the site. Such a Reserve Area will be at least 30 meters (98.4 feet) radius or the area determined by a Forest Service Archaeologist that will be adequate to protect the site.
- Any cultural resource sites found during implementation of the project would be reported immediately to a Forest Service Archaeologist and work would stop in the area.

Reforestation Protection Measures

- Harvesting in the aspen stand would be restricted to the dormant season, i.e. from September 30 to May 1, in order to increase the density of aspen sprouting.
- Perform site preparation prior to the first growing season after harvest to maximize sprouting.

Logging Slash Measures

- Slash in harvested red pine stands prescribed for underburning would be treated by the contractor to lie within 24 inches off the ground and kept two feet from the boles of residual trees to facilitate burning.
- Within a strip 25 feet in width, as measured from the edge of private property, all slash from the purchasers operations would be removed by the contractor.
- Within 200 feet of a travel way (road), slash from timber purchasers operations would be treated by the contractor to lie within 18 inches of the ground.

Healthy Forest Protection Measures

- To reduce the likelihood of overland spread of oak wilt disease, mechanical operations within or adjacent to stands with a residual oak component would not be permitted during the period of April 15 to July 1. This restriction is addressed in individual stand prescriptions where it applies.
- Underburning in red pine stands would be prohibited from May 1 to July 15 to reduce the stress on the red pine during the period of active bud growth and leader development.
- In red pine stands maintain B-level stocking or higher in live trees of desirable or acceptable commercial species (excludes rough, culls, and dead trees). If stocking falls below B-level, burning and harvesting would be postponed until stand recovers to B-level.
- Harvesting activities in aspen regeneration units would be restricted to the period between September 30 and May 1 in order to increase the density of aspen sprouting.

Visual Protection Measures

Summary of VQO/Scenic Design/Mitigation Features

- Schedule treatments to appropriately disperse visual impacts spatially in the landscape and over time. Where possible, implement treatments during the low visitor use seasons.
- Where feasible, locate landings or staging areas beyond foreground views near residential and recreation sites (i.e. campgrounds), and beyond views of major travel routes
- Where possible, temporary roads would be located on existing roadbeds to minimize new ground disturbances.
- Post-treatment establishment of user-created routes within treatment areas would be prevented by closing and rehabilitating temporary access routes.
- Provide cover on landings, temporary roads, or other cleared areas to blend these areas visually into the surrounding landscape and rehabilitate at completion of project. For example, edge line of clearings would be curved instead of straight.
- Where possible, retain a few large non-hazardous snags per acre. This enhances natural scenery characteristics valued for viewing wildlife.
- Trees and shrubs would be retained between the roadway and the parking area.

Rationale for the Decision

My decision to implement the Selected Alternative is based on its effectiveness in meeting the purpose and need identified in the EA and represents site-specific application of the goals of Management Direction listed in the EA. In evaluating the effects of the proposed activities, as described in Chapter 3 of the EA, it is my judgment that the Selected Alternative achieves the stated purpose and need, and best moves towards the desired condition.

In making my decision, I took into account the interests and values of the public, and carefully considered the appropriate type and level of treatment needed to achieve Forests' Plan goals and project objectives. The Selected Alternative provides adequate benefits to the public within the framework of existing laws, regulations, policies, public needs, and capabilities of the land, while meeting the stated purpose and need for this project. Based on all factors, including commodity and non-commodity considerations, it is my judgment that the selected alternative best provides for the greatest net benefit to the public.

The management actions in the Selected Alternative are routine and have been analyzed by the IDT. Based on analysis of the current project and other similar previous projects, it is my decision to implement the Selected Alternative to achieve the stated objectives of the project.

This project is planned under National Environmental Policy Act procedures at 36 CFR Part 220.7 (July 2008). I have considered the best available science in making this decision. I recognize that less than complete knowledge exists about many relationships and conditions of wildlife, forests, fire, jobs, and communities. The ecology, inventory, and management of a large forest area are a complex and constantly developing science. Perfect knowledge and absolute guarantees are not attainable in this dynamic environment. My decision is based on a review of the record that shows consideration of relevant scientific information, including responsible opposing views, and as appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. My decision implements the Huron-Manistee National Forests Plan. As required by NFMA Section 1604(i), I find this project to be consistent with the Plan.

Other Alternatives Considered

Three alternatives were considered in detail, Alternative 1; (The No Action Alternative), Alternative 2 (The Proposed Action), and Alternative 3 (The Selected Alternative). The No Action Alternative contrasts the impacts of the proposed action with the current condition and expected future condition if the proposed action were not implemented (36 CFR 220.7(b)(2)(ii)). Alternative 2, The Proposed Action, follows management direction established in the Forests' Plan and proposed to regenerate 800 acres of aspen. Alternative 3 (The Selected Alternative) also follows direction established in the Forests' Plan. It proposes to treat 620 acres of aspen, eliminating 180 acres in the proposed action because more detailed field data revealed that these acres were unsuitable for treatment at this time.

Public Involvement

The Forest Service uses public involvement and an interdisciplinary team (ID Team) of resource specialists to determine issues of concern and develop possible solutions. Scoping is a process for gathering comments about a site-specific proposed federal action to determine the scope of issues to be addressed and for identifying unresolved issues related to the proposed action (40 CFR 1501.7). Opportunities for comments enable concerned citizens, resource specialists from other agencies, and local governments to express their ideas and views.

An Interdisciplinary Team (ID team) of resource specialists gathered information from the project area to determine how to best implement Forests' Plan direction. Needs and opportunities were identified that would move the area from the existing condition to the desired future condition outlined in Forests' Plan, and project proposals were developed by the ID team. Comments on the proposed actions were solicited in March 2009 from Forest Service employees, members of the public, adjacent property owners, and public and private agencies and organizations through a listing in the Huron-Manistee National Forests NEPA Quarterly Schedule of Proposed Actions. Posting of the proposal on the Huron-Manistee National Forests website, and a direct mailing occurred in March 2009 as well.

Eleven comments were received in response to scoping activities. Public and internal comments are used to refine issues, alternatives, and potential environmental effects of the site-specific proposed activities. A copy of the scoping letter, mailing list of individuals, government agencies, tribes, and organizations contacted, and comments received are included in the Planning Record.

A 30 day comment period was established through solicitation in the Oscoda Press on November 17, 2010 and a comment package was mailed to interested publics on November 15, 2010. One comment was received during the 30 day comment period. The comment pointed out an error on page 16 of the EA that Compartment 740 Stand 30 was inserted in the narrative rather than Compartment 720 Stand 30 as identified in Table 2; Stands excluded from aspen regeneration because of the occupation of cerulean warbler which is a Regional Forester Sensitive Species. This correction has been made and the comment favored alternative 3.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

I have reviewed the significance criteria of both context and intensity as defined in the National Environmental Policy Act (NEPA) implementing regulations 40 CFR 1508.27, public comments on the EA, and the environmental consequences of the Selected Alternative. Based on this information and my experiences with similar practices and projects, I have determined that this action will not have a significant effect on the quality of the human environment. My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Therefore, an environmental impact statement will not be prepared. I base my findings on the following:

Context of Effects

This project, and the environmental assessment on which it is based, applies only to the portion of the Harrisville Ranger District in which it is located. The context for this Decision Notice is the Clear Lake Aspen Project Area only. Neither the effects analysis nor this Decision Notice apply to decisions that may be made elsewhere, either regionally or nationally. After a thorough review of the effects analysis contained in the EA, I can find no basis for concluding that this project has significance (both short-term and long-term) beyond the bounds of the Huron-Manistee National Forests. The reasons for my conclusions are more specifically described in the paragraphs that follow.

Intensity of Effects

This refers to the severity of impact, as defined by the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27. The following 10 factors are considered in evaluating intensity:

1. Both beneficial and adverse impacts have been considered in the analysis. The beneficial impacts will outweigh expected short term, adverse impacts.

The Selected Alternative achieves the Purpose and Need objectives. Design criteria will be implemented to minimize or eliminate potential effects of proposed activities (EA, Chapters 1 and 2). The EA demonstrates that the effects of this alternative are relatively minor and impacts generated are not directly, indirectly or cumulatively significant (EA, Chapter 3).

2. Public health and safety are minimally affected by the proposed actions.

The EA (Chapter 2) lists project design criteria for the proposed activities. Design criteria are intended to minimize or eliminate potential impacts from proposed activities. Chapter 3 of the EA discusses the direct, indirect and cumulative effects of the proposed actions on the human environment. The EA demonstrates that the effects of this alternative are relatively minor and impacts generated are not directly, indirectly or cumulatively significant.

3. The proposed action is not expected to impact any unique geographic area.

There are no unique geographic areas within or adjacent to the project area. Project design criteria mitigate potential conflicts from project activities (EA, Chapter 2).

4. The effects on the quality of the human environment are not likely to be highly controversial.

The project treatments are standard management activities and are not considered technologically controversial. There has been public interest in this project. Based on the level of response to the project by the public and past experiences with similar projects, I have determined that this project is not highly controversial. This does not mean that implementation of the project will be acceptable to all people, because some people will neither agree nor be pleased with the decision. However, the effects of the project are not likely to be a source of substantial controversial disagreement. I have determined that the effects on the quality of the human environment are not likely to be highly controversial (EA Chapter 1.7 and Chapter 3).

5. There are no known effects that are highly uncertain or involve unique or unknown risks.

The activities in this project are similar to many past actions on the Huron-Manistee National Forests. Previously implemented projects, and the effects analysis show the effects are not uncertain, and do not involve unique or unknown risk. (EA Chapter 3).

6. The action is not likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

The decision made is consistent with Forests' Plan standards and guidelines and proposed and probable practices analyzed in the Final Environmental Impact Statement. This decision, applied to specific activities within the project areas does not commit me to future actions outside of this decision. This decision will not establish a precedent for future actions, nor will it limit future options for management. (EA Chapters 1 and 3).

7. **The action does not cumulatively reach a level of significance, even when combined with past, present and reasonably foreseeable future actions on public and private lands in the area.**

The EA (Chapter 3) describes the anticipated direct, indirect, and cumulative effects on vegetation resources, wildlife resources, federally threatened, endangered, and proposed species, Regional Forester sensitive species, soil and water resources, visual resources, transportation resources, recreation resources, cultural resources, civil rights and environmental justice, and economics and community well being. There are no undisclosed or related actions that would produce cumulative significant effects on the physical or human environment.

8. **The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historic resources.**

A cultural resources report was completed for the Project. A rule 4 survey was conducted and no historic properties were known to occur in the the project area. If during implementation historic properties are found, design criteria have been developed to help protect sites from potential adverse impacts. Management activities would be excluded from identified historic cultural sites through sale design or designation of a reserve area that includes a buffer area adequate in size to protect the known site or mitigated to avoid or lessen impacts.

9. **The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973.**

A Biological Evaluation (BE) was prepared for the Clear Lake Aspen Project (see Project Record). The BE evaluated and documented the effects of this project on federally listed or proposed species, designated critical habitat, and Regional Forester's sensitive species that may inhabit the project area.

10. **The action will not violate Federal, State, and local laws or requirements for the protection of the environment.**

Applicable laws and regulations were incorporated into the Forest Plan Standards and Guidelines (Forest Plan pages I-4 to I-6). The Selected Alternative complies with the Forest Plan (EA Chapter 1). Treatment activities comply with State of Michigan Water Quality Management Practices on Forest Lands (EA Chapter 3). All necessary federal, state, and local permits will be obtained prior to project implementation.

Findings Required by Other Laws and Regulations

This decision is consistent with the intent of the Forests' Plan's long term goals and objectives listed on pages II-2 through II-7. The project was designed in conformance with Land and Resource Management Plan standards and incorporates appropriate Land and Resource Management Plan guidelines (EA Chapter 1).

Other Applicable regulatory requirements and laws are listed below.

- **National Forest Management Act**

The Clear Lake Aspen Project implements the 2006 Huron-Manistee National Forests' Land and Resource management Plan. As required by NFMA Section 1604(i), this project is consistent with the Forests' Plan.

- **Endangered Species Act**

A Biological Evaluation (BE) was prepared for the Clear Lake EA (see Project Record). The BE evaluated and documented by alternative the effects of this project on federally listed or proposed species, designated critical habitat, and Regional Forester's Sensitive Species that may inhabit the Project Area.

- **Clean Water Act**

This Act is designed to restore and maintain the integrity of water resources. Project activities comply with Forests' Plan Standards and Guidelines for water resources and State of Michigan Best Management Practices (EA Chapter 3). Any necessary federal, state, and local permits would be obtained prior to implementation.

- **National Historic Preservation Act, Archaeological Resources Protection Act and Native American Graves Protection and Repatriation Act**

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district site, building, structure, or object that is included in, or eligible for inclusion in the National Register. The Archeological Resources Protection Act covers the discovery and protection of historic properties that are excavated or discovered on federal lands.

Site specific surveys identified no historic or prehistoric sites within the project area. If during implementation, historic properties are encountered, design criteria have been developed to protect sites from potential adverse impacts. Management activities would be excluded from identified historic cultural sites through sale design or designation of a reserve area that includes a buffer area adequate in size to protect the site or mitigated to avoid or lessen impacts (refer to Cultural Resources Survey Records in the project file).

- **National Environmental Policy Act**

This Act requires public involvement and consideration of environmental effects. The entirety of documentation for this decision supports compliance with this Act.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215 by those who supplied comments or otherwise expressed interest in this proposal before the close of the 30-day comment period. The appeal must be filed in writing with the Responsible Official and at a minimum, must include the following:

1. State whether the document is an appeal filed pursuant to 36 CFR 215 or under 36 CFR 251, subpart C;
2. List the name and address of the appellant and, if possible, a telephone number. When multiple names are listed, identify the lead appellant. Signature or other verification of authorship must be provided upon request (a scanned signature for electronic mail may be filed with the appeal);
3. Identify the decision document by title and subject, date of the decision, and name and title of the Responsible Official;
4. Identify the specific change(s) in the decision that the appellant seeks and rationale for those changes or portion of the decision to which the appellant objects and an explanation for the disagreement;
5. State how the Responsible Official's decision fails to consider comments previously provided, either before or during the comment period specified in 215.6 and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

A written notice of appeal must be submitted within 45 calendar days after the Legal Notice is published in the Oscoda Press; however, when the 45-day filing period ends on a Saturday, Sunday, or Federal holiday, then filing time is extended to the end of the next Federal working day. The Notice of Appeal must be sent to: Attn: Appeal Deciding Officer, USDA, Forest Service, Gaslight Building, Suite 700, 626 East Wisconsin Avenue, Milwaukee, WI 53202. The Notice of Appeal may also be faxed to: 414-944-3963, Attn: Appeals Deciding Officer, USDA, Forest Service, Eastern Regional Office. Office hours for those submitting hand-delivered appeals are: 7:30 to 4:00 pm CT Monday through Friday, except on Federal holidays.

Those wishing to submit appeals by email may do so to: appeals-eastern-regional-office@fs.fed.us, identify "Clear Lake Aspen Project" in the subject line. Acceptable formats for electronic comments are text or html email, Adobe portable document format, and formats viewable in Microsoft word applications. Appeals must meet the content requirements of 36 CFR 215.14 and will only be accepted from those who have standing to appeal as outlined at 36 CFR 215.13.

It is the responsibility of appellants to ensure that their appeal is received in a timely manner. The 45-day time period is computed using calendar days, including Saturdays, Sundays, and Federal holidays. When the time period expires on a Saturday, Sunday, or Federal holiday, the time is extended to the end of the next federal working day. The day after the publication of the legal notice of the decision in the Oscoda Press is the first day of the appeal-filing period. The publication of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file and appeal. Appellants should not rely on dates or time frame information provided from any other source.

When there is a question about timely filing of an appeal, timeliness shall be determined by:

1. The date of the postmark, e-mail, fax or other means of filing an appeal and any attachments; or
2. The time and date imprint at the correct Appeal Deciding Officer's office on a hand delivered appeal and any attachments;
3. When an appeal is electronically mailed, the appellant should normally receive an automated electronic acknowledgement form from the agency as confirmation of receipt. If the appellant does not receive an automated acknowledgment of receipt of the appeal, it is the appellant's responsibility to ensure timely receipt by other means.

PROJECT IMPLEMENTATION

When no appeal is filed within the 45-day time period, implementation of the decision may begin on, but not before the fifth business day following the close of the appeal-filing period (36 CFR 215.15). Except for emergency situations, when an appeal is filed, implementation may occur on, but not before the 15th business day following the date of appeal disposition (35 CFR 215.2). All activities authorized by this Decision Notice will be monitored to ensure they are implemented as planned and described in the EA.

Contact

For additional information about specific activities authorized with this decision, or to request a copy of the Environmental Assessment, contact Gordon Haase, Huron Shores Ranger Station, 5761 North Skeel Ave., Oscoda, MI 48750; Telephone (989) 739.0728 ext. 3021; or email: ghaase@fs.fed.us.

Responsible Official

/s/ Susan M. Kocis

SUSAN M. KOCIS
District Ranger
Huron Shores Ranger Station

January 6, 2011

Date

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